

Police Conduct Oversight Commission

Minutes

Regular Meeting June 14, 2016

Starting at 6:00 p.m.

350 Fifth Street, Room 241, Minneapolis, MN 55407

Commission Members Present: Andrea Brown (Chair), Andrew Buss, Adriana Cerillo, Amran Farah, Afsheen Foroozan, Jennifer Singleton (Vice Chair), and Laura Westphal.

Commission Members Absent: None

Staff Present: Imani Jaafar - OPCR Director, Ryan Patrick - Police Conduct Operations Supervisor, Kaela McConnon Diarra – Policy Analyst, and Gabriel Ramirez – Intake Investigator.

Chair Brown called the meeting to order at 6:03 p.m.

A quorum of the Commission was present.

Westphal moved to adopt the meeting agenda.

Seconded.

No discussion. All-in-favor. None opposed.

The motion carried.

Westphal moved to adopt the meeting minutes from May 10, 2016.

Seconded.

No discussion. All-in-favor. None opposed.

The motion carried.

Public Comment

Chuck Turchick:

- Suggested questions to address to the Chief, or Deputy Chief, during their presentation to the Commission.
- Addressed concerns from last month's case summary data ten with regard inconsistencies between the civilian and officer's statements involving the use of a weapon as a threat of force.

Michelle Gross:

- Expressed appreciation for the MPD's Policy and Procedure update on civilian filming of officers but indicated that her organization continues to receive complaints from people who are continuing to experience difficulties with officers when filming.

Westphal - indicated that the Commission would like to have cards printed to educate the public on that issue.

Gross - stated that one of the cases is high profile and is in need of attention.

Kathy Czech:

- Stated that Dakota County wants more information on the co-responder model.
- The City of Saint Paul has also applied for a grant for a similar model.
- United Health Care and Blue Cross Blue Shield are also looking for more information; both organizations provide residential crisis services.
- Currently trying to get in contact with Duluth with regard to cost figures and will report back on any new updates.

New Business

MPD Updates and Discussion

Minneapolis Police Chief Janee Harteau addressed the Commission. The following were the main points from her presentation:

- Indicated that she has met with Chair Brown and Vice Chair Singleton and have scheduled ongoing monthly meetings.
- The body camera policy has potential for change and is an evolving document.
- The MPD is looking at current best practices and there are some differences from the original draft to the current.
- There was a suggestion about strengthening language for officers failing to comply with provisions; there could be a multitude of reasons for failing to comply and the new policy spells out remedies up to termination, which is paralleled in the discipline matrix.
- There was a second suggestion that supervisor random review of footage should be frequent; determining frequency proves difficult until the program is fully implemented.
- The onus is on the officer to explain why a camera was or was not activated and this could be in the area of discipline for not recording.
- Officers are not required to ask for consent prior to activation when feasible, however if asked, the officers should inform the civilian that equipment is in use, unless unsafe circumstances arise.
- In critical incidents the officers will be allowed to view footage prior to writing their report.
- BCA currently handles investigations and the MPD is leaving that determination on viewing footage prior to investigation or report writing up to the agency.

With the conclusion of the update from Chief Harteau, the Chair opens the floor for discussion. The following is a list of speakers and an abstract of their individual comments:

Foroozan - asked if officers are allowed to write their reports after viewing footage.

Singleton - asked how quickly critical incidents are transferred to BCA for investigation and if there are multiple officers involved can they view all the footage or just their own.

Harteau - indicated that the goal of the video is to capture whatever evidence is on that video. Critical incidents are almost immediately transferred to BCA for investigation and an officer can only view their own individual footage.

Foroozan - asked for clarification on the statement that the “[MPD] can only do what the public tells us to do.”

Cerillo - indicated interest in the viewpoint of the Chief on how it interacts with the PCOC.

Harteau - responded to Commissioner Foroozan indicating interest in building community partnerships and trust stating that the public does not report crime when there is no trust but the MPD has seen an increase in crime reporting. She then addressed Commissioner Cerillo indicating that the organization should also look at areas for improvement and asked for PCOC assistance with that task.

Cerillo - asked about the purpose of the Commission and the different groups that are functioning but not communicating. Also asked what the PCOC can do to increase outreach activities with the community.

Harteau - indicated that there are areas that the MPD cannot look at and asked for assistance indicating that the PCOC can be instrumental in those areas and encouraged the Commissioners to either reach out via the Chair or Vice Chair or directly, indicating that this is a learning process for all involved.

Farah - stated that there are things the PCOC also doesn’t hear about and many members of the public participated in the events associated with body camera policy development. Many perhaps feel that their voices were not heard asking what is being done to engage with those who may feel disengaged as a result of that process.

Harteau - stated that the MPD did take from those conversations when they reviewed best practices in the development of the policy in addition to learning from other departments. The MPD has been looking at these policies since 2013 and have tried to strike a balance in between indicating that the policy is a tool and does not mean that it will not change.

Foroozan - stated that Minneapolis did not become the city it has by following other cities or reverting to what other places have done indicating that the City should always strive for better. He also questioned why the language pertaining to an annual review of the body

camera policy was removed from the MPD's draft and if the Chief will address the Commission if there are changes to the policy.

Harteau - indicated saying an annual review is sufficient and in no way did the MPD settle for what other places use as a best practice. Community members will have many opportunities for input with the National Initiative and this is just the beginning. She also stated that she would consult with the Commission if there are changes to the body camera policy.

Singleton - thanked the Chief and addressed Deputy Chief Arradondo regarding the PCOC's Investigative Stop Study asking if there would be policy change with regard to documentation when engaging in investigative stops.

Arradondo - stated that the main technology person is back working on it within the next few weeks. Additionally, there will be changes to add a new screen, categories, and parameters to the existing CAD program.

Singleton - asked if there will be a change in the language with regard to reporting requirements from "should" to "shall."

Arradondo - indicated that once the new technology is in place then the MPD can move forward.

With no further discussion on the matter, the Chair moves to the next item on the agenda.

Officer Liability Insurance - the Committee for Professional Policing

Michelle Gross, president of the Committee for Professional Policing, addressed the Commission. The following were the main points from her update:

- There is an amendment that will be on the ballot in November regarding Officer Liability Insurance.
- Minneapolis is a unique city in that it is self-insured for incidents.
- The funds run high in any given time period; taxpayers are on the hook and there is no incentive to reduce misconduct.
- Officers that refuse to participate or engage in misconduct may become uninsurable.
- When studied, the group engaging in such activities seem to be the same group over and over; approximately 150 with five or more incidents out of 850 total officers.
- Police leadership will benefit by increased trust and this does not harm officers who do not engage.
- Officers on SWAT would have higher base rates.
- This is not a new idea, but new to policing in that many professions require professional liability insurance, such as doctors, nurses, barbers, beauticians, the FBI, and other

federal agents; many do not receive assistance to pay the base rate, which the amendment recommends the City pay the base rate.

- Minneapolis is the first place talking about doing this and many police officers indicate interest or support of such a policy.
- Policies for federal agents do not exclude intentional acts and officers will have better coverage than they do now and the community will benefit.
- The amendment is designed to go into effect a year after passage to allow time for the negotiations between the City and the police officers' union.
- The cost of litigation is currently coming from the City's self-insured fund and is budgeting for police misconduct; many cases are settled in the average amount of 2.5 million per year.
- Over time the premiums will come down as the market is created.
- On June 7, 2016, 12,000 signatures were submitted to the City Clerk; the signatures will be validated on or around June 23, 2016 at which point the amendment will move to the City Council and be placed on the ballot in November.

With the conclusion of the presentation from Ms. Gross, the Chair opened the floor for discussion. The following is a list of speakers and an abstract of their individual comments:

Foroozan - asked if the city would be paying the premiums.

Singleton - asked if the language of the amendment included limitations with regard to premiums increasing in cost.

Brown - asked if there is an insurance company that currently provides insurance for police officers.

Gross - indicated that there are several companies that provide insurance in this area but is not aware of the costs associated with individual premiums but had been assured by an industry professional that premiums would create a significant cost savings for the City.

Buss - asked about instances where fault is not admitted and if there are other cities using professional liability insurance for police officers.

Gross - stated that there are other organizations that have expressed interest. Additionally indicating that the largest expenses are legal fees; many cases are settled without admitting fault and many settle out of court.

Farah - questioned what other cities do given that Minneapolis is unique in that it is self-insured; specifically asking how Saint Paul is insured.

Bicking - indicated that the group believes that this measure will provide a significant improvement to accountability; this is a place where Minneapolis can lead and the process is

being watched by many groups. Insurance companies will have a financial incentive and would encourage the PCOC to develop a research and study project on the concept.

Cerillo - asked if the group had an opportunity to speak to City Council members.

Bicking - stated that two councilmembers have signed the petition and the group is approaching them individually.

With no further discussion on the matter, the Chair moves to the next item on the agenda.

Committee Reports - Outreach Committee

Commissioner Westphal addressed the Commission. The following were the main points from her update:

- The report is available online and directed the Commissioners to look at the calendar of events that are upcoming, which is available online.
- Met with Commander Schoenberger regarding CIT training and filming officers; he expressed interest in coming in and speaking with the Commission.

With the conclusion of the update from Commissioner Westphal, the Chair opens the floor for discussion. The following is a list of speakers and an abstract of their individual comments:

Brown - asked as far as events go are they available on the Google calendar.

Westphal - indicated that she would provide the list stating that Commissioner Foroozan has offered to assist with synchronization and distribution.

Cerillo - stated that she met last month with the National Latino Officers Association and is starting a conversation with the group.

With no further discussion on the matter, the Chair moves to the next item on the agenda.

Committee Reports - Policy and Procedure Chair Report

Commissioner Singleton addressed the Commission. The following were the main points from her update:

- Will be meeting with Commissioner Westphal regarding the Mental Health Response Study.
- There will be an interim inter-jurisdictional meeting on June 22, 2016 for those that are interested in attending; Commissioner Westphal will be taking the lead and reporting back to the Committee.

- Still trying to verify what the National Initiative will be covering before starting work on the discipline matrix project.
- Commissioner Foroozan will be providing an update at the next meeting regarding the framework for the Chief's performance review.
- Two cases were added to the issue tracking queue involving de-escalation and bicycle enforcement laws.
- The Committee will be looking at the queue next month and making suggestions to the Commission at the next meeting.

With no further discussion on the matter, the Chair moves to the next item on the agenda.

Audit Committee

Commissioner Buss addressed the Commission. The following were the main points from his update:

- The first meeting was on June 7, 2016 and the members include Commissioner(s) Brown, Singleton, and Buss and will proceed the first Tuesday of each month at 6:00 p.m.
- Have not yet adopted a charter, but there is a sample available online.
- The Committee will be looking at a combination of issues including organization improvement in what the Policy and Procedure Committee looks at and how to improve the process.
- The Committee will not be meeting every month, perhaps a four times per year as the group monitors Research and Study project.

With no discussion on the matter, the Chair moves to the next item on the agenda.

Unfinished Business

2016 Selected Case Summaries: May Case(s) 4, 7, and 10

The Chair opened the floor for discussion on the case summary data from May 2016. The following is a list of speakers and an abstract of their individual comments:

Westphal - stated that case seven seemed like the correct outcome, however case four involved a defense attorney overhearing officers discussing the case causing the prosecutor to dismiss. She also felt case ten had gone too far in that an officer pointed a gun at a civilian who was a passenger in a car.

Buss - stated that with regard to case ten, he felt as though the Commission did not have enough information on what actually happened and had questions on information not included in the complaint.

Ramirez - the complaint might have mentioned that the couple went out for the evening and that it was stated explicitly that the officer and driver were to the side of the vehicle while a sobriety test was performed out of view of the camera.

Farah - asked if the squad camera picked up how far the passenger, or civilian, was out of the vehicle.

Singleton - asked if there was a finding on whether or not the officer drew his gun.

Ramirez - indicated that it was not possible to view whether or not the officer drew his gun but it would not be a violation of policy if the officer was alone.

With no further discussion on the matter, the Chair moved to the next item on the agenda.

Audit Summary and New Case Selection

Buss:	7, 9, 10	Singleton:	7, 9, 10
Cerillo:	4, 6, 9	Westphal:	7, 9, 10
Farah:	9, 10, 5	Brown:	7, 9, 10
Foroozan:	7, 9, 10		

Chair Brown indicated the new case selections for discussion at the July 2016 meeting are **case numbers 7, 9, and 10** as the top picks, which were then selected by **unanimous consent of the Commissioners**.

With no further discussion on the matter, the Chair moved to the next item on the agenda.

Adjournment

With all of the Commission's business concluded, the Chair entertained a motion:

Buss moved to adjourn.

Seconded.

All-in-favor. None opposed.

The motion carried.

Chair Brown adjourned the meeting at 7:38 p.m.